

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**LILLIAN C. ETTER, individually  
and as Co-Trustee of the  
McClughan Living Trust Dated  
June 29, 2001,**

Plaintiff,

v.

**CIVIL ACTION NO. 3:06-CV-139  
(BAILEY)**

**RANDY B. MAZZOTTI, individually  
and as Co-Trustee of the  
McClughan Living Trust Dated  
June 29, 2001, JULIE MAZZOTTI,  
and LACY J. MAZZOTTI,**

Defendants.

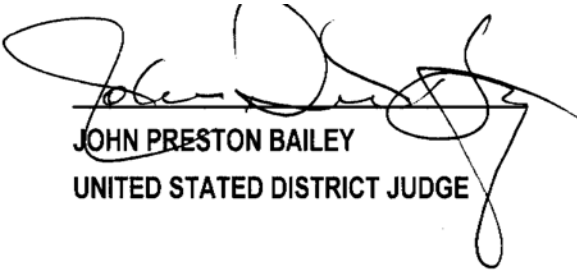
**ORDER GRANTING DEFENDANTS' MOTION FOR LEAVE  
TO FILE COUNTER-CLAIM**

On this day, the above-styled matter came before the Court upon consideration of Defendants' Motion for Leave to File Counter-Claim [Doc. 57]. The defendants seek to bring a permissive counterclaim against the plaintiff. In support of their motion, the defendants state that the plaintiff will not be prejudiced by the proposed counterclaim and that this request was filed within the dates set forth in this Court's July 30, 2007, Scheduling Order. Finding good cause, it is this Court's opinion that the motion [Doc. 57] should be, and is, hereby **GRANTED**. Accordingly, the defendants shall refile their Counterclaim.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record herein.

**DATED:** December 20, 2007.



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE